IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 8TH NOVEMBER 2006 / 17TH KARTHIKA 1928

Bail Appl..No. 6582 of 2006()

SC.407/2006 of D.C. & SESSIONS COURT, ERNAKULAM
CRIME NO.259/2005 OF KOTHAMANGALAM POLICE STATION.

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PETITIONER/ACCUSED

JOSE, S/O. VARGHESE,
PUTHENPURACKAL, VALIYAPARA,
KOTHAMANGALAM.

BY ADV. SRI.BYJU KURIAKOSE
SRI.GEORGE SEBASTIAN

RESPONDENTS: COMPLAINANT

SUB INSPECTOR,
KOTHAMANGALAM POLICE STATION, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No.6582 of 2006

Dated this the 8th November, 2006.

O R D E R

Counsel for the petitioner submits that non bailable warrant was issued, when an application for condonation of absence of the petitioner was filed for the second time before the Principal Sessions Court, Ernakulam, in S.C.No.407/2006, which he is facing for the offence punishable under Sections 8(c) & 20(b)(i) of the Narcotic Drugs and Psychotropic Substances Act. The material object involved is 29.500 grams of Ganja. Counsel submits that though the court below accepted the application for condonation of his absence at the first instance, the petitioner could not appear for the second time, because of fever. Counsel concedes that he could not produce any certificate to authenticate the submissions made and grounds advanced through the applications. However, counsel undertakes that the petitioner will always be available before the court below, for facing the trial.

2. In the above facts situation, I dispose of this application, directing the petitioner to surrender before the Principal Sessions Court, Ernakulam, on 15.11.2006, at 11 A.M., and move an application for bail. The learned Sessions Judge shall allow the application, and release him on bail, imposing such conditions, as are deemed necessary, including that he will be available before that court on all posting dates.

J.M. JAMES,
JUDGE